

By: Hinojosa

S.B. No. 1355

A BILL TO BE ENTITLED

AN ACT

relating to compensation and leave for certain peace officers.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 5, Alcoholic Beverage Code, is amended by adding Section 5.21 to read as follows:

Sec. 5.21. DONATION OF ACCRUED COMPENSATORY TIME OR ACCRUED ANNUAL LEAVE FOR LEGISLATIVE PURPOSES. (a) The administrator shall allow a peace officer employed by the commission to voluntarily transfer to a legislative leave pool up to eight hours of compensatory time or annual leave per year earned by the peace officer.

(b) The administrator or the administrator's designee shall administer the legislative leave pool.

(c) The commission shall adopt rules and prescribe procedures relating to the operation of the legislative leave pool.

(d) The administrator or the administrator's designee shall credit the legislative leave pool with the amount of time contributed by a peace officer and deduct a corresponding amount of time from the peace officer's earned compensatory time or annual leave as if the peace officer had used the time for personal purposes.

(e) A peace officer is entitled to use time contributed to the legislative leave pool if the peace officer uses the time for legislative leave on behalf of a law enforcement association of at

1 least 50 active or retired members governed by a board of directors.

2 (f) The administrator or the administrator's designee shall
3 transfer time from the pool to the peace officer and credit the time
4 to the peace officer.

5 (g) A peace officer may only withdraw time from the
6 legislative leave pool in coordination with and with the consent of
7 the president or designee of the law enforcement association
8 described in Subsection (e). A peace officer may not draw more than
9 80 hours from the pool in a 160-hour work cycle and may not draw more
10 than 480 hours from the pool in a fiscal year.

11 (h) A peace officer shall use time from the legislative
12 leave pool in accordance with rules adopted by the commission.

13 SECTION 2. Section 402.009, Government Code, is amended to
14 read as follows:

15 Sec. 402.009. AUTHORITY TO EMPLOY AND COMMISSION PEACE
16 OFFICERS. (a) The attorney general may employ and commission peace
17 officers as investigators for the limited purpose of assisting the
18 attorney general in carrying out the duties of that office relating
19 to prosecution assistance and crime prevention.

20 (b) The attorney general shall ensure that a commissioned
21 peace officer employed as authorized under Subsection (a) is
22 compensated according to Schedule C of the position classification
23 salary schedule prescribed by the General Appropriations Act.

24 SECTION 3. Subchapter A, Chapter 402, Government Code, is
25 amended by adding Section 402.0095 to read as follows:

26 Sec. 402.0095. DONATION OF ACCRUED COMPENSATORY TIME OR
27 ACCRUED ANNUAL LEAVE FOR LEGISLATIVE PURPOSES. (a) The attorney

1 general shall allow a peace officer employed by the office of the
2 attorney general to voluntarily transfer to a legislative leave
3 pool up to eight hours of compensatory time or annual leave per year
4 earned by the peace officer.

5 (b) The attorney general or the attorney general's designee
6 shall administer the legislative leave pool.

7 (c) The attorney general shall adopt rules and prescribe
8 procedures relating to the operation of the legislative leave pool.

9 (d) The attorney general or the attorney general's designee
10 shall credit the legislative leave pool with the amount of time
11 contributed by a peace officer and deduct a corresponding amount of
12 time from the peace officer's earned compensatory time or annual
13 leave as if the peace officer had used the time for personal
14 purposes.

15 (e) A peace officer is entitled to use time contributed to
16 the legislative leave pool if the peace officer uses the time for
17 legislative leave on behalf of a law enforcement association of at
18 least 50 active or retired members governed by a board of directors.

19 (f) The attorney general or the attorney general's designee
20 shall transfer time from the pool to the peace officer and credit
21 the time to the peace officer.

22 (g) A peace officer may only withdraw time from the
23 legislative leave pool in coordination with and with the consent of
24 the president or designee of the law enforcement association
25 described in Subsection (e). A peace officer may not draw more than
26 80 hours from the pool in a 160-hour work cycle and may not draw more
27 than 480 hours from the pool in a fiscal year.

1 (h) A peace officer shall use time from the legislative
2 leave pool in accordance with rules adopted by the attorney
3 general.

4 SECTION 4. Section 659.301(5), Government Code, is amended
5 to read as follows:

6 (5) "State employee" means an individual who:

7 (A) is a commissioned law enforcement officer of
8 the Department of Public Safety, the Texas Facilities Commission,
9 the Texas Alcoholic Beverage Commission, ~~[or]~~ the Texas Department
10 of Criminal Justice, or the attorney general;

11 (B) is a commissioned security officer of the
12 comptroller;

13 (C) is a law enforcement officer commissioned by
14 the Parks and Wildlife Commission;

15 (D) is a commissioned peace officer of an
16 institution of higher education;

17 (E) is an employee or official of the Board of
18 Pardons and Paroles or the parole division of the Texas Department
19 of Criminal Justice if the employee or official has routine direct
20 contact with inmates of any penal or correctional institution or
21 with administratively released prisoners subject to the board's
22 jurisdiction;

23 (F) has been certified to the Employees
24 Retirement System of Texas under Section 815.505 as having begun
25 employment as a law enforcement officer or custodial officer,
26 unless the individual has been certified to the system as having
27 ceased employment as a law enforcement officer or custodial

officer; or

(G) before May 29, 1987, received hazardous duty pay based on the terms of any state law if the individual holds a position designated under that law as eligible for the pay.

SECTION 5. Section 661.918(a), Government Code, is amended to read as follows:

(a) This section applies to a peace officer under Article 2.12, Code of Criminal Procedure, who is commissioned as a law enforcement officer or agent, including a ranger, by:

(1) the Public Safety Commission and the director of the Department of Public Safety;

(2) the Parks and Wildlife Commission; ~~[or]~~

(3) the Texas Alcoholic Beverage Commission; or

(4) the attorney general.

SECTION 6. Subchapter B, Chapter 11, Parks and Wildlife Code, is amended by adding Section 11.0183 to read as follows:

Sec. 11.0183. DONATION OF ACCRUED COMPENSATORY TIME OR ACCRUED ANNUAL LEAVE FOR LEGISLATIVE PURPOSES. (a) The director shall allow a peace officer employed by the department to voluntarily transfer to a legislative leave pool up to eight hours of compensatory time or annual leave per year earned by the peace officer.

(b) The director or the director's designee shall administer the legislative leave pool.

(c) The commission shall adopt rules and prescribe procedures relating to the operation of the legislative leave pool.

(d) The director or the director's designee shall credit the

1 legislative leave pool with the amount of time contributed by a
2 peace officer and deduct a corresponding amount of time from the
3 peace officer's earned compensatory time or annual leave as if the
4 peace officer had used the time for personal purposes.

5 (e) A peace officer is entitled to use time contributed to
6 the legislative leave pool if the peace officer uses the time for
7 legislative leave on behalf of a law enforcement association of at
8 least 350 active or retired members governed by a board of
9 directors.

10 (f) The director or the director's designee shall transfer
11 time from the pool to the peace officer and credit the time to the
12 peace officer.

13 (g) A peace officer may only withdraw time from the
14 legislative leave pool in coordination with and with the consent of
15 the president or designee of the law enforcement association
16 described in Subsection (e). A peace officer may not draw more than
17 80 hours from the pool in a 160-hour work cycle and may not draw more
18 than 480 hours from the pool in a fiscal year.

19 (h) A peace officer shall use time from the legislative
20 leave pool in accordance with rules adopted by the commission.

21 SECTION 7. (a) The classification officer in the office of
22 the state auditor shall classify the position of commissioned peace
23 officer employed as an investigator by the Office of the Attorney
24 General as a Schedule C position under the Texas Position
25 Classification Plan, 1961.

26 (b) The change made by the classification officer as
27 required by this section applies beginning in the state fiscal

1 biennium beginning September 1, 2015.

2 (c) This section expires September 1, 2017.

3 SECTION 8. Section [661.918](#)(a), Government Code, as amended
4 by this Act, applies only to an injury that occurs on or after the
5 effective date of this Act.

6 SECTION 9. This Act takes effect September 1, 2015.